

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed February 18, 2009. At the time of the Office Action, Claims 1-58 were pending in this Application. The Office Action set forth an election/restriction requirement of the species of the claimed invention between:

Species I. Figures 3A and 5A-5F representing the active and return electrodes disposed on the shaft;

Species II. Figures 3B, 6A, 6B, 7A, 7B and 9A-9C representing the active electrode on the return shaft/electrode support and the return electrode on the shaft;

Species III. Figures 3C, 8A and 8B representing the active and return electrode on the rotating member.

The Examiner indicated that the claims correspond to the species listed above in the following matter:

Species I: Claims 1-2, 4, 6-40 and 57-58

Species II: Claims 1-2, 6-16 and 41-58

Species III: Claims 1-2, 6-16 and 41-58

Applicants hereby elect, with traverse, to prosecute the species of Group I, Figures 3A and 5A-5F, Claims 1-2, 4, 6-40 and 57-58. Accordingly, Applicants hereby withdraw Claims 41-56 without prejudice or disclaimer and submit that the withdrawn claims are subject to the filing of a divisional application, if no generic claim is finally held to be allowable. Currently Claims 1-2, 6-16 and 57-58 are generic. Claim 5 has been amended to further define various features of Applicants' invention and is now believed to correspond to species I. Applicants respectfully request consideration of Claims 1-2, 4, 5, and 6-40 and 57-58 and favorable action in this case.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-0359 of ArthroCare Corporation in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.358.5925.

Respectfully submitted
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